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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,710	10/30/2003	Takuya Sekiguchi	P25620	6479

7055 7590 01/30/2007

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EXAMINER	
NGUYEN, CAO H	
ART UNIT	**PAPER NUMBER**
2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/30/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/30/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary	Application No.	Applicant(s)	
	10/696,710	SEKIGUCHI ET AL.	
	Examiner	Art Unit	
	Cao (Kevin) Nguyen	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *51-65* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *51-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 51-65 are provisionally rejected on the ground of nonstatutory double patenting over claims 53-67 of copending Application No. 10/739,059. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: receiving a request from one el-the processing unit to acquire one of predefined display areas; determining whether to provide an authorization to acquire the one of the predefined display areas in response to the request; and notifying the one processing up,

its unit whether, the authorization is given; wherein, when a plurality of requests to acquire the same one of the predefined display areas from a plurality of processing units are received, the authorization is provided to a single processing unit that made one of the requests to acquire the same one of the predefined display areas.

Claims 51-65 rejected on the ground of nonstatutory double patenting over claims 1-4 of U. S. Patent No. 6,710,789 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: receiving a request from one of the processing units for acquiring one of predefined display areas; and determining whether or not to provide an authorization to acquire the one of the pre-defined display areas in response to the request; wherein when a plurality of requests for acquiring the same one of the pre-defined display areas from a plurality of processing units are received, the authorization is provided to one and only one of the processing units that made one of the requests for acquiring the same one of the predefined display areas.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See also MPEP § 804.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 51-60 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 51-60 are not tangible. The preamble of independent claims 51 and 56 recites "A method of controlling a display on a display apparatus in response to at least one processing unit, comprising", which is directed to software, per se, lacking any hardware to enable any functionality to be realized. The claimed features and elements of independent claims 51 and 56 do not include hardware components or features that are necessarily implemented in hardware. Therefore, the claimed features of claims 51 and 56 are actually a software, or at best, directed to an arrangement of software, and software claimed by itself, without being executed or implemented on a computer medium, is intangible.

To expedite a complete examination of the instant application, the claims rejected under 35U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of the applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 51-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nason et al. (US Patent No. 6,639,613) in view of Lynch-Freshner et al. (US Patent No. 5,668,997).

Regarding claim 51, Nason discloses a method of controlling a display on a display apparatus in response to at least one processing unit, comprising receiving a request from one of the processing unit to acquire one of predefined display areas (see col. 3, lines 17-47); determining whether to provide an authorization to acquire the one of the predefined display areas in response to the request (see col. 5, lines 49-67); wherein, when a plurality of requests to acquire the same one of the predefined display areas from a plurality of processing units are received, the authorization is provided to a single processing unit that made one of the requests to acquire the same one of the predefined display areas (see col. 7-8, lines 1-67). However, Nason fails to explicitly teach notifying the one processing unit whether the authorization is given.

Lynch-Freshner discloses notifying the one processing unit whether the authorization is given (see col. 8, lines 8-65). It would have been obvious to one of ordinary skill in the art,

having the teachings of Nason and Lynch-Freshner before him at the time the invention was made, to modify the processing unit to acquire one of predefined display areas of Nason to include the object-oriented system for servicing windows, as taught by Lynch-Freshner. One would have been motivated to make such a combination in order to operating system software for managing window display areas in a graphic user interface.

Regarding claim 52, Lynch-Freshner discloses wherein notifying step, comprises notifying the single processing notified unit that the authorization is given, and notifying other processing units requesting the same one of the predefined display areas that the authorization is not given (see col. 8, lines 9-55).

Regarding claims 53 and 58, Nason discloses wherein the processing unit is comprises an application (see col. 5, lines 49-67).

Regarding claims 54 and 59, Nason discloses wherein the processing unit is comprises a plurality of applications (see figures 2-4).

Regarding claims 55 and 60, Lynch-Freshner discloses wherein the authorization is provided to the processing unit having a higher predefined priority (see col. 8, lines 38-67).

Claims 56 and 61 differ from claim 1 in that "a notifying device that notifies the at least one processing unit whether the authorization is given, wherein, when a plurality of requests to acquire the same one of predefined display areas from a plurality of processing units are received, the authorization is provided to a single processing unit that made one of the requests to acquire the same one of predefined display areas; as recited in Lynch-Freshner (see col. 10, lines 8-57). It would have been obvious to one of ordinary skill in the art, having the teachings of Nason and Lynch-Freshner before him at the time the

invention was made, to modify the processing unit to acquire one of predefined display areas of Nason to include the object-oriented system for servicing windows, as taught by Lynch-Freshner. One would have been motivated to make such a combination in order to operating system software for managing window display areas in a graphic user interface.

Regarding claim 57, Lynch-Freshner discloses wherein said notifying device notifies the single processing unit that the authorization is given, and notifies other processing units requesting the same one of predefined display areas that the authorization is not given (see col. 12, lines 1-60).

As claims 62-65 are analyzed as previously discussed with respected to claims 53-54 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

01/19/07